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12 *Attorney for Petitioner Hector Leonard Jardine

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 Hector Leonard Jardine,

16 Petitioner,

17 v.

18 Brian Williams, *et al.*,

19 Respondents.

Case No. 2:16-cv-02637-RFB-NJK

**Unopposed motion to extend time
for filing opposition to motion to
dismiss**

(First Request)

POINTS AND AUTHORITIES

Petitioner Hector Jardine respectfully asks this Court to enter an Order extending his deadline for filing an opposition to the warden's motion to dismiss by 60 days until October 15, 2021.

Counsel for the warden, Senior Deputy Attorney General Charles L. Finlayson, does not object to this request.

This is Jardine's first request to extend this deadline.

At Jardine's request, and without opposition from the warden, this Court granted his motion to reopen the case, having completed exhaustion his claims in state court.¹

Following a single request for an extension, the warden filed its response to Jardine's first amended petition on July 16, 2021.² Because it filed a motion to dismiss, rather than an answer, Jardine's opposition is due August 16, 2021.³

This extension is necessary to allow counsel time to draft Jardine's response to the warden's motion, which seeks to dismiss Jardine's case on timeliness grounds.

Given the restrictions the Nevada Department of Corrections has imposed on in-person visitation in response to the pandemic as well as understaffing, counsel wasn't able to meet with Jardine about the warden's motion until August 11, 2021, though the request was made on or about July 20, 2021. Such an in-person meeting was necessary because Jardine's opposition will focus on equitable tolling, a fact-specific inquiry.

¹ ECF Nos. 39, 40, 41.

² ECF No. 41.

³ ECF No. 41 at 3.

1 Having met with Jardine and previously gathered other records, counsel
2 believes she has everything she needs to file Jardine's opposition by the next
3 deadline.

4 This request takes counsel's schedule into consideration, which includes filing
5 a petition under the AEDPA statute of limitations on August 4, 2021 in *Aberha v.*
6 *Gittere*, Case No. 3:20-cv-00524-LRH-WGC, and the anticipated filing of two other
7 AEDPA petitions in *Zuniga v. Bean*, Case No. 2:20-cv-00519-GMN-BNW on
8 September 7, 2021, and in *Taylor v. Director*, Case No. 2:20-cv-01962-GMN-DJA on
9 October 13, 2021. Counsel also has a Ninth Circuit oral argument on August 30,
10 2021 in *Bork v. Gentry*, Case No. 20-15461, in addition to counsel's other
11 supervisory duties.

12 For the reasons stated above, Jardine respectfully asks this Court to grant
13 the requested extension until October 15, 2021.

14 Dated August 16, 2021.

15 Respectfully submitted,

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17 Rene L. Valladares
18 Federal Public Defender

19 /s/ Amelia L. Bizzaro

20 Amelia L. Bizzaro
21 Assistant Federal Public Defender

22 IT IS SO ORDERED:

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24 RICHARD F. BOULWARE, II
25 United States District Judge

26 DATED this 17th day of August, 2021.
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